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6  
7 IN THE UNITED STATES DISTRICT COURT FOR THE  
8 CENTRAL DISTRICT OF CALIFORNIA  
9

10 AF HOLDINGS LLC,

11 Plaintiff,

12 v.

13 JOHN DOE,

14 Defendant.  
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No. 2:12-cv-08325-ODW-JC

**PLAINTIFF'S NOTICE OF VOLUNTARY  
DISMISSAL OF ACTION WITHOUT  
PREJUDICE**

**NOTICE OF VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE**

17 **NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rule of Civil Procedure 41(a)(1),  
18 Plaintiff voluntarily dismisses this action in its entirety without prejudice. The Court before which the  
19 instant action presently sits has recently held that “[T]he Court is not convinced that that there is  
20 no way of identifying John Doe through an IP address other than obtaining ISP subscriber  
21 information—Plaintiff has presented nothing but argument suggesting that it is so.”<sup>1</sup> Plaintiff  
22 maintains its contention that it is factually *impossible* to identify a John Doe through an IP address  
23 without obtaining ISP subscriber information; as such, Plaintiff now dismisses this action without  
24 prejudice in order to avoid the futility of attempting to litigate these cases under such circumstances.  
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<sup>1</sup> *AF Holdings v. Doe*, No. 2:12-cv-06637-ODW-JC (C.D. Cal. January 25, 2013), Order Dismissing Case (ECF No. 21.)

1 In accordance with Federal Rule of Civil Procedure 41(a)(1), Defendant has neither filed an  
2 answer to Plaintiff's Complaint, nor a motion for summary judgment. Dismissal under Federal Rule  
3 of Civil Procedure 41(a)(1) is therefore appropriate.  
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6 Respectfully Submitted,  
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8 **DATED: January 28, 2013**

9 By: /s/ Brett L. Gibbs, Esq.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 28, 2013, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system.

/s/ Brett L. Gibbs  
Brett L. Gibbs, Esq.